



City of Annapolis

Department of Planning & Zoning

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Planning Commission

March 3, 2011

The Regular Meeting of the Planning Commission of the City of Annapolis was held on March 3, 2011 in the City Council Chamber. Mr. DiQuinzio called the meeting to order at 7:31p.m.

Present: **Chair** David DiQuinzio, **Vice Chair** Dr. Eleanor Harris, Robert Waldman, William Herald, James Urban, Dr. Wilford Scott

Staff: Jon Arason, Kevin Scott, Jacqui Rouse

Journal of Proceedings: The voting on the February 17, 2011 meeting minutes were deferred to the March 17, 2011 meeting.

Dr. Scott moved to approve the agenda as submitted. Dr. Harris seconded the motion. **Passed 6-0.**

Public Hearings and Deliberations

1. Main Ingredient Special Exception, #S.E. 2010-022

Mr. Kevin Scott presented the special exception request by 914 Limited Partnership to increase the number of seating to 110. Staff analysis of the parking indicated that there is sufficient parking to support 108 seats so the application was revised to reflect such. The request for live entertainment was reviewed and found to comply with the code requirements. The interagency review resulted in comments from DNEP and the Fire Department requesting that the building be brought up to code requirements to support the increased seating.

Mr. Hyatt, Attorney, explained that a permitting problem was discovered after the fact and the applicant is working with DNEP to resolve these permitting concerns. Photographs of the adjacent parking spaces and a revised parking chart dated February 24, 2011 were provided for review. The restaurant is now operating under compliance with 49 seats. The proposed plan before the Commission indicates how the restaurant was operating prior to the permitting violation.

Mr. Hogan acquired the restaurant in 2007 and at that time included 86 seats. The seating was expanded to 110 this past summer to meet demand. He has worked with DNEP to reduce the number of seating until permitting issues have been resolved. As a result, is turning away patrons because of the continued demand. He indicated that DNEP and the Fire Department do not object to his operating under the current 49 seats.

Public testimony opened at 7:59pm and one person spoke on the application. Public testimony closed at 8:07pm.

Dr. Scott moved to recommend approval of the application subject to DNEP providing a status report of their review of the project and a revision to Condition #1 "...layouts, amended to reduce the number of seats to 108, submitted..." Dr. Harris seconded the motion. **Passed 6-0.** Dr. Scott will prepare the findings.

2. Ordinance #O-36-10

Mr. Urban recused himself from participating on this application.

Mr. Arason presented the ordinance established for the purpose of adding more uses to the WMC zoning district. The ordinance will amend Section 21.48.040 (Table of Uses) and will add fifteen new non-maritime uses. He provided background on the current uses in the WMC zone; the 1970 zoning designation of M1 (Light Maritime District); and the 1986 City of Annapolis Maritime Zoning and Economic Strategy Study. He read some of the recommendations of the ULI report. He explained that a 25-member City Dock Advisory Committee was established to review issues involving the City Dock and allowing "piecemeal" actions will impede the work of this Committee. He identified some of staff's concerns with the ordinance text amendment as it is currently written. However, the main concern is that this ordinance will affect all the maritime zoning districts and have not been comprehensively reviewed prior to submittal. The Maritime Advisory Board voted 7-2 unfavorably to this

ordinance also agreeing that it warranted a more comprehensive review. Staff does not support the ordinance as currently written and noted that the City Dock Advisory Committee was in consensus that this ordinance should not move forward.

Mr. Delavan, Attorney, introduced the owners of the property known as Chandler LLC. He described the site and the surrounding adjacent properties. He noted that the property was zoned as commercial, C2 from 1970-1987. He explained that the four maritime zoning districts were established in 1987. The WMC zoning original covered City Dock only but was expanded to include the Chandler property or the Fawcett's store which was the only commercial use to be rezoned at that time. He stated that it is the applicant's contention that the maritime uses has changed rapidly from 1987 to current and the uses allowed have not kept up with these changes in this area of the City. He and the applicants discussed the best approach and determined it was best to pursue a zoning text amendment instead of a zoning map amendment. He concurred with staff that there are some aspects of the ordinance that requires change.

Mr. Delavan proffered the testimony of Mr. Tehorst who would have testified on how difficult it has been to locate a tenant for the building.

Mr. Tullier prepared a report titled "Chronological History of Planning Documents Relating to the City Dock" and highlighted some of the relative points. He emphasized that the 2009 Comprehensive Plan showed this property as commercial and the general land use map as mixed use. He summarized that the ordinance complies with the Comp Plan recommendations.

Ms. Woodworth, WZHA, explained her presentation will bring a perspective of the downtown area and economic development. She believes that the Fawcett Building is critical to the downtown area because of its location. She stated that vacancies in the downtown area indicate market weakness and the Fawcett building has been vacant for 13 months. She concluded that downtown success is critical to the Annapolis community economic development.

Public testimony opened at 9:34pm and eleven people spoke on the application. Public testimony closed at 10:03pm.

Dr. Scott moved to delay action on this ordinance until staff can provide an analysis on what portion of this current zoning district could be converted to commercial or some type of mixed use zoning without taking away from the maritime viability of the rest; also, following up on Mr. Arason's concern on whether the infrastructure can handle a more intensive use, requested a report on that and also the status of the infrastructure in that area; and would like consideration of other uses such as residential and hotels; what could be a feasible height limitation and density for that type of use as well. Mr. Waldman added that he was interested in how to change the legislation to integrate maritime uses and expand the definition of maritime use. **Passed 4-1.**

3. Buddy's Crabs and Ribs, One Inc., Business Owner

Ms. Rouse presented the special exception request to amend a previous approval for Buddy's Crabs and Ribs to extend the hours of operation to 2:00am; add live entertainment; to serve alcohol without meals and at the bar; remove the transit passes; and allow hand cart deliveries in the Cornhill Street alley. The applicant is proposing 300 seats. Staff is recommending approval of all requests except for the change to allow hand cart deliveries in the alley way. Staff would also request to limit live entertainment to midnight because of the nearby residences. The application does comply with the code requirements.

Mr. Blonder stated that no changes are proposed to his operations.

Public hearing opened at 11:05pm and seven people spoke on the application. Public testimony closed at 11:43pm.

Mr. Urban moved to continue the application so that the applicant can meet with his neighbors to develop a plan for resolution of issues regarding the parking in the alley and its access; the cleanliness in the alley and trash storage; noise from deliveries and music; and come to accommodation to resolve these issues. Dr. Harris seconded the motion. **Passed 6-0.**

Dr. Harris moved to adjourn the meeting at 11:59pm. Dr. Scott seconded the motion. **Passed 6-0.**